

FIFTY-FIFTH DAY

(Thursday, April 17, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Kelley	Weinert
Spears	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Weinert was granted leave of absence for today on account of illness, on motion of Senator Smith.

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senator Kelley was granted leave of absence for today on account of important business, on motion of Senator Formby.

Reports of Standing Committees

Senator Aikin submitted the following reports:

Austin, Texas,
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 235, A bill to be entitled "An Act amending Section 6 of S. B.

No. 481, being Chapter 185 of the Acts of the Forty-second Legislature, Regular Session, page 311 (1931); appropriating examination fees provided for in said Act to Special Land Board for the purpose of defraying all expenses incident to the enforcement of said Act; providing for the drawing of warrants by the Comptroller on requisition of the Commissioner of the General Land Office; transferring any sum remaining to the Permanent School Fund; providing that the amount accruing to the State of Texas for the sale of land under said Act shall be placed to the credit of the Permanent School Fund; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 123, A bill to be entitled "An Act providing for the revision and compilation of the abstracts of patented, titled, and surveyed land by the Commissioner of the General Land Office; making an appropriation for the printing and binding of same; providing for the distribution and sale of same by the Comptroller of Public Accounts; providing such binding and printing is to be done within this State; providing the Act shall not affect laws pertaining to preparation, printing, and distribution of supplementary abstract volumes; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 335, A bill to be entitled "An Act appropriating from the Un-

employment Compensation Fund the sum of Two Thousand, Six Hundred Sixty-seven and 64/100 (\$2,667.64) Dollars to be paid to the Wiergate Naval Stores, Inc., Wiergate, Texas, as a refund of unemployment compensation taxes erroneously collected by the Texas Unemployment Compensation Commission of and from said Wiergate Naval Stores, Inc., during the years 1936, 1937, 1938, and 1939; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with amendment hereto attached and be printed as amended.

AIKIN, Chairman.

Austin, Texas,
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 378, A bill to be entitled "An Act making appropriations to pay the Presidential Electors of Texas; providing how it shall be made; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 40, A bill to be entitled "An Act amending Section 6 of S. B. No. 481, being Chapter 185 of the Acts of the Forty-second Legislature, Regular Session, page 311 (1931); appropriating examination fees provided for in said Act to Special Land Board for the purpose of defraying all expenses incident to the enforcement of said Act; providing for the drawing of warrants by the Comptroller on requisition of the Commissioner of the General Land Office; transferring any sum remaining to the Permanent School Fund; providing that the amount accruing to the State of Texas for the sale of land under said Act

shall be placed to the credit of the Permanent School Fund; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Mauritz submitted the following report:

Committee Room.
Austin, Texas,
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

H. B. No. 354, A bill to be entitled "An Act conveying the title of the State of Texas to lot number twelve (12) and lot number thirteen (13), in block number thirty-seven (37), of the original Townsite of Rosenberg, Fort Bend County, Texas, according to the plat of said town appearing of record in Volume P, page 146 and 147 of the Deed Records of Fort Bend County, Texas, acquired by the State under tax sale to Mrs. Millie Wolf, to and for her separate use and benefit; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed.

MAURITZ, Chairman.

Senator Smith submitted the following report:

Austin, Texas,
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 755, A bill to be entitled "An Act providing that the closed season on fishing in Blanco County shall be for the months of February, March, and April; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Senator Ramsey submitted the following reports:

Floor Committee,
Austin, Texas,
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 429, A bill to be entitled "An Act relating to marks and brands of livestock in Victoria County only; amending Article 6899 of the Revised Civil Statutes of Texas, by adding thereto a new Section to be known as Article 6899d requiring that in said county each owner of any livestock mentioned in Chapter 1, of Title 121 of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand for such stock recorded at the office of the county clerk of said county; and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months from taking effect of this Act all records and marks and brands now in existence shall no longer have any force or effect and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks and brands in said county; and further providing that the county clerk of said county shall publish this Act in some newspaper in general circulation in the county for a period of thirty (30) days; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Committee Room,
Austin, Texas,
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 157, A bill to be entitled "An Act amending Section 15 of Chapter 16 of the Forty-fourth Legislature, Regular Session, by providing

for the payment of certain traveling and other necessary expenses; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAMSEY, Chairman.

Senator Moffett submitted the following report:

Committee Room,
Austin, Texas,
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 348, A bill to be entitled "An Act constituting the owner of any former prison land sold under Section 7, Chapter 67 of the Acts of 1930, Forty-first Legislature, the agent of the State for certain purposes; authorizing the owner of said land to sell or lease the minerals that may be thereon or therein; providing for and securing to the State of Texas its share of the proceeds thereof."

Have had the same under consideration, and am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Motion to Introduce Bill

Senator Fain moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—17

Aikin	Lovelady
Chadick	Mauritz
Cotten	Moffett
Fain	Ramsey
Formby	Smith
Graves	Stone
Hill	Sulak
Lanning	Van Zandt
Lemens	

Nays—5

Isbell	Winfield
Metcalfe	York
Moore	

Absent

Beck	Martin
Brownlee	Shivers
Hazlewood	Vick

Absent—Excused

Kelley	Weinert
Spears	

Bill and Resolution Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bill and resolution:

H. B. No. 904, A bill to be entitled "An Act making an appropriation of the sum of Three Hundred Thousand (\$300,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expense, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

H. C. R. No. 78, Authorizing the State Highway Department of Texas to lend to the citizens of Olney and New Castle discarded wire mesh guard fence for the purpose of fencing the grounds of the True Cemetery in the Community of True.

Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. B. No. 193, A bill to be entitled "An Act defining publication, newspaper, political sub-division, district and certain mandatory expressions; designating persons to select newspapers in which publications are to be inserted; fixing a legal rate for publications in newspapers; providing for the publication of notices, proclamations, advertising, and citations in newspapers; repealing con-

flicting provisions of Articles 3, 29, 1154, 3311, 3334, 3808, 4203, 7206, 7276, 7342 and 7624 of the Revised Civil Statutes, of Article 4115 of the Revised Civil Statutes as amended by Acts of 1935, Forty-fourth Legislature, Chapter 254, Section 1, of Acts of 1925, Thirty-ninth Legislature, Chapter 161, Sections 2 through 6, of Acts of 1933, Forty-third Legislature, First Called Session, Chapter 84, Section 1, and of Acts of 1937, Forty-fifth Legislature, Chapter 506; repealing all parts of laws in conflict; providing a rule of construction; and declaring an emergency."

H. B. No. 831, A bill to be entitled "An Act enabling cities and incorporated villages to pass zoning regulations limiting the height of structures and objects of natural growth, and otherwise regulating the use of property within three thousand (3,000) feet of the exterior limits of airports owned by such cities and incorporated villages, either within or without their city limits; and declaring an emergency."

H. C. R. No. 90, Regarding a Federal appropriation for the extermination of the pink boll weevil.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Bill 373 on Passage to Third Reading

The President laid before the Senate on its passage to third reading (the bill having been read second time on yesterday):

H. B. No. 373, A bill to be entitled "An Act further regulating the prescribing of liquor for medicinal purposes and the transportation, storage and sale thereof by amending subsection (11) and (16) of Section 15, Article 1, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as amended by H. B. No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and by the addition of a new subsection (19) to said Section 15, Article 1; prescribing penalties; providing saving clauses; and declaring an emergency."

With the following amendment by Senator Fain pending:

(1)

Amend H. B. No. 373 by striking out all of lines 5, 6, 7, and 8 on page 4, of the printed bill.

(2)

Amend H. B. No. 373 by inserting in line 29, page 3, after the words "of Medical Examiners" the following: "who has been a resident of the county for a period of one year."

Senator Fain offered the following amendment to the bill:

(3)

Amend H. B. No. 373 by striking out in line 40, page 3, the words and figures "One (\$1.00) Dollar" and inserting in lieu thereof the following: "Ten (\$10.00) Dollars".

Question—Shall the amendment (1) be adopted?

Senator Metcalfe offered the following substitute for the amendment (1):

Substitute for amendment by Fain by striking out lines 5, 6, 7, and 8, page 4.

Amend H. B. No. 373, page 4, line 6, by striking out the words and figures "ninety (90)" and substitute thereof the words and figures "thirty (30)".

METCALFE,
VICK.

Senator Lovelady moved to table the substitute for the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—19

Aikin	Isbell
Beck	Lanning
Brownlee	Lemens
Chadick	Lovelady
Cotten	Mauritz
Fain	Moore
Formby	Ramsey
Graves	Smith
Hazlewood	Sulak
Hill	

Nays—8

Martin	Van Zandt
Metcalfe	Vick
Moffett	Winfield
Stone	York

Absent

Shivers

Absent—Excused

Kelley	Weinert
Spears	

Question recurring on amendment (1) by Senator Fain, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—15

Aikin	Lanning
Beck	Lemens
Chadick	Lovelady
Cotten	Mauritz
Formby	Moffett
Graves	Shivers
Hazlewood	Smith
Isbell	

Nays—12

Brownlee	Stone
Fain	Sulak
Hill	Van Zandt
Martin	Vick
Metcalfe	Winfield
Ramsey	York

Absent

Moore

Absent—Excused

Kelley	Weinert
Spears	

Senator Fain then withdrew the amendments (2) and (3).

Senator Ramsey offered the following amendment to the bill:

Amend H. B. No. 373, page 4, Section (k), lines 5 and 6, by striking out the words and figures "one hundred (100)" and inserting in lieu thereof the following: "five hundred (500)".

Senator Lovelady moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16

Aikin	Lanning
Beck	Lemens
Chadick	Lovelady
Cotten	Mauritz
Formby	Moffett
Graves	Moore
Hazlewood	Smith
Isbell	Vick

Nays—10

Brownlee	Stone
Fain	Sulak
Martin	Van Zandt
Metcalfe	Winfield
Ramsey	York

Absent

Hill	Shivers
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Absent—Excused

Kelley Weinert
Spears

Senator Isbell offered the following amendment to the bill:

Amending H. B. No. 373 by adding a new Section to be known as Section 3a as follows:

"Every person, firm or corporation having a permit for the sale of intoxicating liquors produced by distillation or otherwise, whether sold to be drunk on the premises or sold and delivered on the premises, shall not sell or dispense any such intoxicating liquors from and after 9:30 o'clock p. m. and until 6 o'clock a. m. of each day. Any person violating this Section shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment; providing that any corporation violating the provisions of this Act shall be punished by a fine as herein provided and also by the forfeiture of its right to engage in such business."

Senator Brownlee raised a point of order against further consideration of the amendment on the ground that it is not germane to the bill.

The President sustained the point of order.

Senator Vick offered the following amendment to the bill:

Amend H. B. No. 373, page 4, by striking out of line 5, the words and figures "One Hundred (100)" and substituting in lieu thereof, the words and figures "One (1)."

Question—Shall the amendment be adopted?

Senator Lovelady moved the previous question on the amendment.

The motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

Yeas—12

Formby	Mauritz
Hazlewood	Metcalfe
Isbell	Moore
Lanning	Smith
Lemens	Stone
Lovelady	Sulak

Nays—15

Aikin	Martin
Beck	Moffett
Brownlee	Ramsey
Chadick	Van Zandt
Cotten	Vick
Fain	Winfield
Graves	York
Hill	

Absent

Shivers

Absent—Excused

Kelley Weinert
Spears

Senator Lovelady moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—14

Aikin	Mauritz
Beck	Moffett
Formby	Moore
Hazlewood	Smith
Hill	Sulak
Lanning	Winfield
Lovelady	York

Nays—13

Brownlee	Martin
Chadick	Metcalfe
Cotten	Ramsey
Fain	Stone
Graves	Van Zandt
Isbell	Vick
Lemens	

Absent

Shivers

Absent—Excused

Kelley Weinert
Spears

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 373, page 3, line 35, by adding before the word "shall" the following: "or who does not hold a permit to write narcotic prescription."

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 373, page 4, line 8, by adding after the words "such prescriptions" the following: "in any dry area as defined by law."

The amendment was adopted.

Senator Van Zandt offered an amendment to the bill.

Senator Smith raised a point of order against further consideration of the amendment on the ground that it is not germane to the bill.

The President sustained the point of order.

Question—Shall the bill be passed to third reading?

Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 94, Suspending Joint Rules for purpose of considering H. J. R. No. 1.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

House Concurrent Resolution 94

The President laid before the Senate (the resolution having been previously received from the House):

H. C. R. No. 94, Suspending Joint Rules for purpose of allowing consideration by the House of H. J. R. No. 1 on Wednesday or Thursday of the current week.

The resolution was read.

On motion of Senator Moffett and by unanimous consent, the resolution was considered immediately and was adopted.

Reports of Standing Committees

Senator Moore, by unanimous consent, submitted at this time the following report:

Senate Chamber
Austin, Texas
April 16, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 8, A bill to be entitled "An Act levying various taxes and providing certain revenues for the

payment of Old Age Assistance, aid to destitute children, aid to needy blind, and the obligation of the State under the Teachers Retirement Act; etc.; and declaring an emergency."

Have had the same under consideration and do hereby recommend that the same do not pass, but that the committee substitute hereto attached do pass in lieu of the original bill and be not printed but be mimeographed in lieu thereof.

MOORE, Chairman.

Senator Beck by unanimous consent, submitted at this time the following report:

Austin, Texas
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 24, Proposing an amendment to Section 22 of Article V of the Constitution of Texas by adding thereto authority for the Legislature to increase, diminish, or change the probate or other jurisdiction of the county court and to create additional courts having either exclusive jurisdiction, or concurrent jurisdiction with the county court, in such matters; providing for election and necessary proclamation; and making appropriation therefor.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with attached committee amendment and be printed.

BECK, Chairman.

Senator Smith by unanimous consent, submitted at this time the following report:

Austin, Texas,
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 839, A bill to be entitled "An Act making it unlawful to kill or attempt to kill deer, or wild quail or trap or molest same in Duval County for a period of five (5) years; providing a penalty; repealing all

conflicting laws; and declaring an emergency."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Senator Ramsey by unanimous consent, submitted at this time the following reports:

Committee Room,
Austin, Texas,
April 16, 1941.

1. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on County and County Boundaries, to whom was referred

H. B. No. 529, A bill to be entitled an Act fixing the compensation of county commissioners in all counties with a population of not less than twenty thousand, three hundred (20,300) nor more than twenty thousand, four hundred and sixty (20,460) inhabitants, according to the last available Federal Census as same now exists or may hereafter exist, and counties with a population of not less than twenty-two thousand, five hundred (22,500) nor more than twenty-three thousand, three hundred (23,300) inhabitants, according to the last available Federal Census as same now exists or may hereafter exist; repealing all laws in conflict therewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Committee Room,
Austin, Texas,
April 16, 1941.

on. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 593, A bill to be entitled An Act providing for the appointment by the District Judge of the nineteenth Judicial District of Texas, composed of the Counties of Cooke and Denton, or the Judge of the Judicial District of which the Counties of Cooke and Denton are a part hereof, of an official shorthand reporter for such district; providing

his qualifications; providing that the salary of said official shorthand reporter shall be fixed and determined by the judge of said district and not otherwise; providing for the manner of payment of said salary and out of what fund; providing for transcript fees and allowance for expenses as provided in Chapter 56, H. B. No. 276, Acts, Regular Session of the Forty-first Legislature, 1929, which allowances, as now provided by law being fixed and established as a part of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

House Bill 373 on Passage to Third Reading

The Senate resumed consideration at this time of H. B. No. 373, relating to prescribing of liquor for medicinal purposes, on its passage to third reading.

Senator Cotten offered the following amendment to the bill:

Amend H. B. No. 373 by striking out the following: Section K, page 4, beginning with the word "the" on line 20, as follows: "the keeping of records of prescriptions issued, the making of reports, and the disposal of unused, mutilated or defaced blanks, as it may deem necessary to require physicians to strictly conform to the provisions of this Act."

The amendment was adopted.

Senator Vick offered the following amendment to the bill:

Amend H. B. No. 373, page 4, by striking out of line 5, the words and figures "one hundred (100)" and substitute therefor the word and figure "ten (10)."

Senator Lovelady moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16

Aikin	Lovelady
Beck	Metcalfe
Fain	Moffett
Formby	Moore
Hazlewood	Ramsey
Hill	Smith

Stone
Weinert

Winfield
York

Nays—11

Brownlee
Chadick
Cotten
Graves
Isbell
Lanning

Lemens
Martin
Sulak
Van Zandt
Vick

Absent

Mauritz

Shivers

Absent—Excused

Kelley

Spears

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 373 by striking out all of lines 21 and 22, page 2.

The amendment was adopted.

Senator Fain offered the following amendment to the bill:

Amend H. B. No. 373, by striking out all below the enacting clause and insert in lieu thereof the following:

"Section 1. Subsection 18, Section 16, Article 1, Chapter 448 of the General and Special Laws of the Regular Session of the Forty-fifth Legislature, which amended subsection (n), Section 15, Article 1, Chapter 467 of the General and Special Laws of the Second Called Session of the Forty-fourth Legislature, is hereby amended so as to hereafter read as follows:

"Subsection 18. Medicinal Permits may be issued by the board to hospitals, sanatoria, and like institutions for the care and treatment of the sick. The holders of such permits are authorized to purchase liquor from holders of wholesaler's permits in this State, and such hospitals, sanatoria, and like institutions may sell or dispense the same for medicinal purposes only. The holders of such permits may dispense medicinal liquor at any time but only to patients or inmates confined or under treatment therein, but in no event except under the direction of licensed physicians. The annual fee for hospitals, sanatoria, and like institutions shall be One (\$1.00) Dollar regardless of when issued and no bond shall be required.

"It shall be unlawful for any holder of a medicinal permit, his agents,

servants, or employees to sell or dispense any intoxicating liquor in any county or political subdivision of this State after an election has been held by the qualified voters of said political subdivision, the result of which prohibits the sale and possession for the purpose of sale any intoxicating liquor. Any person violating any term of this Section shall be guilty of a misdemeanor.

"It shall be unlawful for any person to enter any public place in any political subdivision of this State and there drink any intoxicating liquors after an election had been held by the qualified voters of said political subdivision resulting in the prohibiting the sale or possession for the purpose of sale intoxicating liquors in said political subdivision, and any person violating this Act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than Five (\$5.00) Dollars nor more than Twenty-five (\$25.00) Dollars for each violation."

Sec. 2. The fact that the present laws regulating medicinal permits and the dispensing of liquor under such medicinal permits, are inadequate creates an imperative public demand for suspending the rule requiring bills to be read on three several days in each House, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage and it is so enacted.

Senator Aikin raised a point of order against further consideration of the amendment on the grounds that it is not germane to the original purposes of the bill.

The President sustained the point of order.

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 373, Section I, by striking out all of sub-section (n), and substituting therefor the following:

"Have in physical possession more liquor at any one time than is equivalent in value to twenty-five (25%) per cent of the wholesale value of the remaining stock of said drug store, pharmacy or apothecary."

The amendment was adopted.

Senator Moffett moved the previous question on the passage of H. B. No. 373 to third reading.

The motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

Yeas—19

Beck	Martin
Brownlee	Mauritz
Cotten	Metcalfe
Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Smith
Lanning	Stone
Lemens	Weinert
Lovelady	

Nays—9

Aikin	Van Zandt
Chadick	Vick
Hill	Winfield
Isbell	York
Sulak	

Absent

Shivers

Absent—Excused

Kelley

Spears

The bill was passed to third reading by the following vote:

Yeas—27

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Vick
Isbell	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Nays—1

Van Zandt

Absent

Shivers

Absent—Excused

Kelley

Spears

House Bill 373 on Third Reading

Senator Lovelady moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 373 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent

Shivers

Absent—Excused

Kelley

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

On motion of Senator Lovelady and by unanimous consent, it was ordered that the caption of the bill be amended to conform to the body of the bill.

The bill was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley

Spears

Senate Resolution 96

Senator Fain, by unanimous consent, offered at this time the following resolution:

Whereas, The Honorable Lanier Edminston, Mayor of the City of

Crockett, is in the halls of the Capitol; and

Whereas, Mr. Edminston is a well known civic leader and a very distinguished East Texan; now, therefore, be it

Resolved by the Senate of Texas, That he be granted the privileges of the floor for the day.

The resolution was read.

On motion of Senator Fain, and by unanimous consent, the resolution was considered immediately and was adopted.

Message from the House

The Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 39, Acknowledging with deep regret the passing of Judge George E. Christian.

H. C. R. No. 93, Granting Judge O. L. Parish permission to leave the State during months of July and August in the years of 1941 and 1942.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Signing of Resolution

The President signed in the presence of the Senate, after its caption had been read, the following enrolled resolution:

S. C. R. No. 39, In memory of Hon. George E. Christian.

Recess

Senator Aikin moved that the Senate recess to 3:00 o'clock p. m. today.

The motion prevailed, and the Senate, accordingly, at 1:30 o'clock p. m., took recess to 3:00 o'clock p. m. today.

Afternoon Session

The President called the Senate to order at 3:00 o'clock p. m.

Reports of Standing Committees

Senator Weinert, by unanimous consent, submitted at this time the following reports:

Austin, Texas,
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 391, A bill to be entitled "An Act amending Chapter 100 of the Acts of the Forty-fourth Legislature, Regular Session, by adding there to a Section to be known as Section 33a; providing that every sale or contract of sale of any security in violation of any provisions of Chapter 100 shall be voidable at the election of the purchaser; providing how the purchaser may recover at law, the time that such actions may be brought; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

WEINERT, Chairman.

Austin, Texas,
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 431, A bill to be entitled "An Act relating to face-amount certificate companies and face-amount certificates as those terms are defined in the Act of Congress known as the Investment Company Act of 1940; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator Ramsey, by unanimous consent, submitted at this time the following reports:

Austin, Texas,
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 754, A bill to be entitled "An Act providing that members of

the commissioners' court in counties having a population of not less than five thousand, nine hundred and ninety (5,990) nor more than six thousand (6,000) inhabitants, according to the last preceding Federal Census, may each receive the sum of Twenty-five (\$25) Dollars per month for traveling expenses, said sum to be paid out of the Road and Bridge Fund of said county; and declaring an emergency."

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be printed.

RAMSEY, Chairman.

Committee Room,
Austin, Texas,
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred

H. B. No. 569, A bill to be entitled "An Act to amend Special Laws, Acts, Forty-second Legislature, page 457, Chapter 236, Section 1, establishing a County Law Library in certain counties; providing a fund to be raised by collecting costs in certain civil and criminal cases, and for the administration of said fund; providing for appointment of custodian or librarian and assistants; providing salaries to be fixed by the commissioners' court; providing for housing and management; and declaring an emergency."

Have had the same under consideration, and are instructed to report it back to the Senate with the recommendation that it do pass with amendments hereto attached and be not printed.

RAMSEY, Chairman.

Senator Smith, by unanimous consent, submitted at this time the following report:

Austin, Texas,
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom we referred

H. B. No. 855, A bill to be entitled "An Act providing (1) an open season for quail in Henderson County from December 1 in one year to January 16 in the following year, both days inclusive; (2) that it shall

be lawful to kill quail in Henderson County on Monday, Wednesday and Friday of each week, after the first day of December, 1941, and continuing until and including the 16th day of January, 1942, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

House Bill 826 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 826 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 826, A bill to be entitled "An Act making it lawful to take or attempt to take any fish from the waters of the Pedernales River in Blanco County, Texas, by any method, means, or device equipped with more than two (2) hooks, including trot lines; repealing all laws in conflict; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 826 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 826 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
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House Bill 755 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 755 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 755, A bill to be entitled "An Act providing that the closed season on fishing in Blanco County shall be for the months of February, March and April; providing that otherwise the fishing laws of H. B. No. 1114, Acts of the Forty-sixth Legislature, applying to Blanco County and certain other counties, shall be and remain in force in Blanco County; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 755 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 755 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Brownlee
Beck	Chadick

Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

Absent—Excused

Kelley	Spears
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
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House Bill 794 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 794 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 794, A bill to be entitled "An Act making it unlawful for a period of five years to kill or take any raccoon or mink, or possess the green hide of same, or offer same for sale in Red River County; providing a penalty for violation of this Act; repealing conflicting laws; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 794 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 794 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

House Bill 409 on Second Reading

On motion of Senator Mauritz and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 409 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 409, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature, as amended by Chapter 15, General and Special Laws, passed at the Second Called Session of the Forty-second Legislature as amended by Chapter 4, Special Laws passed at the Regular Session of the Forty-sixth Legislature, relating to the appointment and compensation of county auditors in counties containing a population of thirty-five thousand (35,000) inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of Fifteen Million (\$15,000,000) Dollars, according to the last approved tax rolls; etc.; and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not be affected thereby; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 409 on Third Reading

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 409 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
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House Bill 802 on Second Reading

On motion of Senator Ramsey and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 802 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 802, A bill to be entitled "An Act making it unlawful to kill or attempt to kill wild turkey or trap or molest same in Newton and Jasper Counties for a period of five years; providing a penalty; repealing all conflicting laws and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 802 on Third Reading

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 802 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Chadick
Beck	Cotten
Brownlee	Fain

Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Smith
Isbell	Stone
Lanning	Sulak
Lemens	Van Zandt
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalfe	York
Moffett	

Absent—Excused

Kelley	Spears
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
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House Bill 808 on Second Reading

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 808 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 808, A bill to be entitled "An Act making it lawful to hunt, take, and kill squirrels in Sutton County, Texas, at any time and declaring an open season for hunting squirrels in such county; repealing all laws or parts of laws in conflict; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 808 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 808 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

House Concurrent Resolution 75
Tabled Subject to Call

On motion of Senator Mauritz and by unanimous consent, H. C. R. No. 75 was tabled subject to call.

Senate Bill 275 on Second Reading

Senator Martin moved that the regular order of business be suspended, to permit consideration of S. B. No. 275 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 275, A bill to be entitled "An Act to amend Article 6371 of the Revised Civil Statutes of Texas 1925, as amended by Chapter 107 Acts of the Regular Session of the Forty-second Legislature which regulates the equipment of locomotives as to whistles and bells, and to amend Article 1672 of the Penal Code of the Revised Criminal Statutes of Texas 1925, which relates to ringing of bells and the blowing of whistles at crossings of public roads and streets. This amendment providing that said locomotives may be equipped with air siren, steam whistle or air whistle, and substituting for the word 'whistle' in said Acts the words 'sounded or blown,' and providing that the governing bodies of cities and towns having a population of five thousand (5,000) or more may by ordinance regulate the ringing of said bells and the sounding or blowing of said whistles or sounding of sirens within the corporate limits; and repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 275 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 275 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Metcalfe
Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Lanning	Van Zandt
Lemens	Vick

Weinert York
Winfield

Absent—Excused

Kelley Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

House Bill 709 on Second Reading

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 709 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 709 A bill to be entitled "An Act providing in all counties having a population of not less than twenty-nine thousand, two hundred and forty (29,240) and not more than twenty-nine thousand, two hundred and fifty (29,250), according to the last preceding, or any future, United States Federal Census, there shall be imposed upon all male persons the duties of working five (5) days of eight (8) hours efficient service on public roads each year or the payment on or before May 1st of each year the sum of Three (\$3) Dollars; . . . and declaring an emergency."

The bill was read second time.

Senator Sulak offered the following amendment to the bill:

Amend H. B. No. 709 by striking out in line 2, page 3 of the bill the

words "Appear the following day" and insert in lieu thereof the following: "be given notice one full day before they are to report."

The amendment was adopted.

Senator Sulak offered the following amendment to the bill:

Amend the caption to conform to the body of the bill.

The amendment was adopted.

The bill was passed to third reading.

House Bill 709 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 709 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill as amended was read third time and was passed by the following vote:

Yeas—29

Aikin	Lanning
Beck	Lemens
Brownlee	Lovelady
Chadick	Martin
Cotten	Mauritz
Fain	Metcalfe
Formby	Moffett
Graves	Moore
Hazlewood	Ramsey
Hill	Shivers
Isbell	Smith

Stone
Sulak
Van Zandt
Vick

Weinert
Winfield
York

Absent—Excused

Kelley Spears

Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. J. R. No. 1, Proposing an amendment to Article III of the Constitution of the State of Texas, by adding a new section thereto to be known as Section 49a, requiring all bills passed by the Legislature on and after January 1, 1945, appropriating money for any purpose to be sent to the Comptroller of Public Accounts, and fixing the duties of the Comptroller with references thereto; and fixing the duties of the Speaker of the House of Representatives upon the return of any such bill to such Speaker by the Comptroller; and fixing the status of any such appropriation bill when so returned; and fixing the duties of the Governor with reference to all appropriation bills; and requiring the State Treasurer on or after January 1, 1945, to submit to the Comptroller of Public Accounts daily report showing condition of all State funds; and regulating the issuance of warrants by the Comptroller; and providing for the submission of this amendment to the voters as required by the Constitution, and making an appropriation therefor.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Committee Substitute Senate Bill 33
Set as Special Order

Senator Hazlewood moved that C. S. S. B. No. 33 be set as a special order for Monday, April 28, 1941, immediately after completion of the morning call on that day.

The motion prevailed by the following vote:

Yeas—24

Aikin	Martin
Beck	Mauritz
Chadick	Metcalfe
Cotten	Moffett
Fain	Ramsey
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Nays—4

Brownlee	Moore
Hill	Van Zandt

Absent

Shivers

Absent—Excused

Kelley Spears

Resolution Signed

The President signed in the presence of the Senate, after its caption had been read, the following enrolled resolution:

H. C. R. No. 94, Suspending Joint Rules for purpose of considering H. J. R. No. 1.

House Bill 567 on Second Reading

Senator Moffett moved that the regular order of business be suspended, to permit consideration of H. B. No. 567 at this time.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—17

Beck	Moore
Chadick	Ramsey
Cotten	Smith
Isbell	Stone
Lanning	Sulak
Lemens	Vick
Mauritz	Winfield
Metcalfe	York
Moffett	

Nays—8

Aikin	Lovelady
Brownlee	Martin
Graves	Van Zandt
Hill	Weinert

Absent

Fain
FormbyHazlewood
Shivers

Absent—Excused

Kelley

Spears

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 567, A bill to be entitled "An Act making emergency supplementary appropriations for the support and maintenance of the Texas Liquor Control Board for the fiscal year ending August 31, 1941; for the payment of refund claims filed under the provisions of the Texas Liquor Control Act; providing regulations and restrictions in respect to the appropriations made herein; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to third reading?

House Bill 816 on Second Reading

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 816 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 816, A bill to be entitled "An Act to create Road District No. 7, of Lavaca County, Texas, defining its boundaries; conferring upon said road district all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon road districts; providing that any territory within the bounds of said district, as created by this Act, shall remain chargeable with any and all outstanding bonded indebtedness heretofore voted by such territory; enacting provisions incidental and necessary to the subject and purpose of this Act; authorizing and empowering the Commissioners' Court of Lavaca County, Texas, to proceed in the issuance of bonds of said district created by this Act in the manner provided by general law for the issuance of road district bonds in ordinary road districts; providing that nothing in this Act shall be construed as affecting the organization and establishment of Road District

No. 2, of Lavaca County, Texas, as created by Chapter 390, of the Special Laws passed by the Thirty-ninth Legislature of this State, at its First Called Session in 1926 (a portion of the territory of said district being included in Section 1, of this Act), but the said road district No. 2 shall continue to operate as a defined road district over the territory included within its limits, described and defined in that certain order of the Commissioners' Court of Lavaca County, Texas, passed and adopted by said court on the 14th day of April, 1919, recorded in Book M, page 160, et seq., of the minutes of the commissioners' court of said county, and to which order reference is made by said Chapter 390, creating the said road district No. 2; and nothing herein shall be construed as prohibiting the territory now included within said road district No. 2 from hereafter issuing road bonds on its faith and credit, within the limitations prescribed by Section 52, Article 3, of the Constitution of this State; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 816 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended, and that H. B. No. 816 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
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Committee Substitute House Bill 8 Set as Special Order

Senator Lanning moved that C. S. H. B. No. 8 be set as special order for Wednesday, April 23, 1941, immediately after conclusion of the morning call on that day.

Senator Aikin moved as a substitute that H. B. No. 8 be set as a special order for Monday, April 21, 1941, immediately after the morning call.

Question first recurring on the motion of Senator Aikin, yeas and nays were demanded.

The substitute motion was lost by the following vote:

Yeas—10

Aikin	Martin
Beck	Smith
Brownlee	Stone
Isbell	Sulak
Lovelady	Van Zandt

Nays—17

Chadick	Mauritz
Cotten	Metcalf
Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Vick
Hill	Weinert
Lanning	Winfield
Lemens	

Absent

Shivers	York
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Absent—Excused

Kelley	Spears
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Senator Aikin moved as a substitute that H. B. No. 8 be set as a special order for next Tuesday immediately after the morning call on that day.

Yeas and nays were demanded, and the substitute motion was lost by the following vote:

Yeas—16

Aikin	Moore
Beck	Ramsey
Brownlee	Smith
Fain	Stone
Hill	Sulak
Isbell	Van Zandt
Lovelady	Weinert
Martin	Winfield

Nays—11

Chadick	Lemens
Cotten	Mauritz
Formby	Metcalf
Graves	Moffett
Hazlewood	Vick
Lanning	

Absent

Shivers	York
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Absent—Excused

Kelley	Spears
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On motion of Senator Lanning and by unanimous consent, the motion of Senator Lanning was amended to read Tuesday, April 22, 1941, at 10:25 o'clock a. m.

The question then recurring on the motion of Senator Lanning as amended, it prevailed unanimously.

House Bill 567 on Passage to Third Reading

The Senate resumed consideration of H. B. No. 567 on its passage to third reading.

Senator Moffett offered the following (committee) amendment to the bill:

(1)

Amend H. B. No. 567, Section 1, by striking out the words and figures "Forty-three Thousand, Five Hundred (\$43,500.00) Dollars" and insert in

lieu thereof the words and figures "Thirty-four Thousand, Eight Hundred (\$34,800.00) Dollars."

The amendment was adopted.

Senator Moffett offered the following (committee) amendment to the bill:

(2)

Amend H. B. No. 567, Section 2, by striking out the words and figures "Eighteen Thousand, Seven Hundred and Fifty (\$18,750.00) Dollars" and insert in lieu thereof the words and figures "Fifteen Thousand (\$15,000.00) Dollars."

The amendment was adopted.

Senator Moffett offered the following (committee) amendment to the bill:

(3)

Amend H. B. No. 567, Section 2, by striking out the words and figures "Four Thousand (\$4,000.00) Dollars" and insert in lieu thereof the words and figures "Thirty-two Hundred (\$3,200.00) Dollars."

The amendment was adopted.

Senator Moffett offered the following (committee) amendment to the bill:

(4)

Amend H. B. No. 567, Section 2, by striking out the words and figures "Twenty Thousand, Seven Hundred and Fifty (\$20,750.00) Dollars" and insert in lieu thereof the words and figures "Sixteen Thousand, Six Hundred (\$16,600.00) Dollars."

The amendment was adopted.

On motion of Senator Moffett and by unanimous consent, it was ordered that the caption be amended to conform to the body of the bill.

The bill was then passed to third reading.

House Bill 567 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 567 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Chadick
Beck	Cotten
Brownlee	Fain

Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Smith
Isbell	Stone
Lanning	Sulak
Lemens	Van Zandt
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalfe	York
Moffett	

Absent—Excused

Kelley Spears

The bill was read third time and was passed by the following vote:

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

Message from the House

The Assistant Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 20, A bill to be entitled "An Act repealing H. B. No. 170, Chapter 91 of the First Called Session of the Forty-first Legislature, of the State of Texas, 1929; and providing for the creation of a Legislative Audit Committee and fixing its duties, and providing for the appoint-

ment of a State Auditor by said Legislative Audit Committee; prescribing the qualifications, duties, and authority of said State Auditor and fixing his compensation; providing for the necessary assistants for said State Auditor and fixing their qualifications and compensation; providing for the payment of salaries, travel, and other expense of the office of State Auditor; providing for the removal of State Auditor and his assistants, or any of them, under certain conditions; providing a method of filling any vacancy in the office of State Auditor and vacancies in the personnel of said office; and prescribing penalties; providing that the State Auditor shall be confirmed by the Senate; and declaring an emergency."

As amended.

S. B. No. 45, A bill to be entitled "An Act authorizing counties having an assessed valuation of not less than Twenty Million (\$20,000,000.00) Dollars, and a population of not more than three (3) persons per square mile to vote, levy, assess and collect a county-wide school maintenance tax; providing for the apportionment and administration thereof; making other provisions related to such subject; repealing all laws in conflict herewith to the extent of such conflict; specifically repealing Chapter 7, Forty-third Legislature, First Called Session and Chapter 54, Forty-fifth Legislature, with the provision that such repeal shall not affect taxes heretofore levied thereunder; validating all Acts done, elections held, for any purpose which are authorized by this Act, and validating taxes levied in such counties; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

(Senator Martin in the Chair.)

House Bill 784 on Second Reading

On motion of Senator York and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 784 at this time.

The Presiding Officer (Senator Martin in the Chair) laid before the Senate on its second reading and passage to third reading:

H. B. No. 784, A bill to be entitled "An Act validating the incorporation

of certain cities and towns of more than six hundred (600) and less than two thousand (2,000) inhabitants, heretofore incorporated and/or attempted to be incorporated under the General Laws of Texas, Title 28, Revised Civil Statutes of Texas, 1925; and validating all governmental proceedings performed by the governing bodies of such cities and towns since their incorporation or attempted incorporation, respectively; providing the provisions hereof shall affect no city or town now in litigation; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 784 on Third Reading

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 784 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley

Spears

The Presiding Officer then laid the bill before the Senate on its third reading an final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Hill
Beck	Isbell
Brownlee	Lanning
Chadick	Lemens
Cotten	Lovelady
Fain	Martin
Formby	Mauritz
Graves	Metcalfe
Hazlewood	Moffett

Moore	Van Zandt
Ramsey	Vick
Shivers	Weinert
Smith	Winfield
Stone	York
Sulak	

Absent—Excused

Kelley	Spears
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House Bill 717 on Second Reading

On motion of Senator Metcalfe and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 717 at this time.

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 717, A bill to be entitled "An Act amending Chapter 56, page 806, Special Laws of the Forty-sixth Legislature, 1939, as it pertains to Menard County, Texas; prohibiting the taking of fish in Menard County with any device equipped with more than two (2) hooks, prohibiting the use of floats except in certain cases, except artificial bait used with a rod and reel and excepting a twenty (20) foot minnow seine for the purpose of taking minnows for bait; providing size limits and bag limits for fish taken in said county; providing a closed season during the months of March and April; prohibiting the sale of any fresh water fish in said county; providing a penalty for any violation of this Act; prohibiting the taking of minnows for the purpose of sale or transporting more than two hundred (200) minnows from any county named in this Act; repealing all general and special laws in so far as they conflict with this Act; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 717 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 717 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Brownlee
Beck	Chadick

Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

Absent—Excused

Kelley	Spears
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Smith
Formby	Spears
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Shivers
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House Bill 405 on Second Reading

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 405 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 405, A bill to be entitled "An Act amending the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session, Forty-third Legislature, by adding a new Section to be known as Section 3-a, to provide that the directors of the authority who shall be appointed subsequent to the effective date of this Act shall be residents of coun-

ties through which the Colorado River flows or which are adjacent to the Colorado; and declaring an emergency."

The bill was read second time.

Senator Brownlee offered the following (committee) amendment to the bill:

Amend H. B. No. 405 by striking out the words and figures "five (5)" on page 1, line 60, and inserting in lieu thereof the words and figures "two (2)."

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—27

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Vick
Isbell	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Nays—1

Moore

Present—Not Voting

Van Zandt

Absent—Excused

Kelley

Spears

Senator Brownlee offered the following (committee) amendment to the bill:

Amend H. B. No. 405 by striking out the following language in lines 55, et seq., on page 1: "Or shall have been residents of and freehold property taxpayers in any county in which the Lower Colorado River Authority may contract to furnish, or is now furnishing, hydro-electric power."

Senator Isbell moved that the bill and pending amendment be laid on the table subject to call.

The motion prevailed.

House Bill 359 on Second Reading

On motion of Senator Smith and by unanimous consent, the regular order of business was suspended, to permit

consideration of H. B. No. 359 at this time.

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 359, A bill to be entitled "An Act to amend Article 392, Revised Civil Statutes of 1925, as amended by Acts 1937, Forty-fifth Legislature, page 1296, Chapter 482, Section 1; and declaring an emergency."

The bill was read second time.

Senator Smith offered the following amendment to the bill:

(1)

Strike out all above the enacting clause, and substitute in lieu thereof the following:

A bill to be entitled,

"An Act to amend Article 392, Revised Civil Statutes of 1925, as amended by Acts 1937, Forty-fifth Legislature, page 1296, Chapter 482, Section 1, providing that loans insured by the Federal Housing Administrator may be made available to the public affected thereby; and declaring an emergency."

The amendment was adopted.

Senator Smith offered the following amendment to the bill:

Strike out all below the enacting clause, and substitute in lieu thereof the following:

Section 1. That Article 392, Revised Civil Statutes of 1925, as amended by Acts 1937, Forty-fifth Legislature, page 1296, Chapter 482, Section 1, be and the same is hereby amended so as to hereafter read as follows:

"Article 392. Powers of Corporation. Banking Corporations shall be authorized to conduct the business of receiving money on deposit, allowing interest thereon, and of buying and selling exchange, gold and silver coins of all kinds; of lending money upon real estate and personal property and upon collateral and personal securities at a rate of interest not exceeding that allowed by law; of buying and selling certificates, securities, and shares insured by the Federal Savings and Loan Insurance Corporation; and of buying, selling, and discounting negotiable and non-negotiable commercial paper of all kinds. No such bank shall lend more than fifty (50%)

per cent of its securities upon real estate, nor make a loan on real estate to any amount greater than half the reasonable cash value thereof; provided that the restrictions as to the amount a bank may invest in securities upon real estate and as to the value of such real estate as compared to the security of the loan shall not apply to mortgage loans which are insured by the Federal Housing Administration pursuant to the National Housing Act, as now or hereafter amended."

Sec. 2. The fact that this amendment is needed so that the loans insured by the Federal Housing Administrator may be made available to the public affected thereby, creates an emergency and an imperative public necessity, that the constitutional rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

The bill was then passed to third reading.

House Bill 359 on Third Reading

Senator Smith moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 359 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	York

Nays—3

Aikin Winfield
Cotten

Absent—Excused

Kelley Spears

Message from the House

A Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has failed to pass to third reading:

S. B. No. 65, A bill to be entitled "An Act amending Section 17A of Chapter 126 of the Acts of the Regular Session of the Forty-fourth Legislature, as amended by S. B. No. 21, the same being Chapter 505 of the Acts of the Third Called Session of the Forty-fourth Legislature; as amended by S. B. No. 493, Acts of the Regular Session of the Forty-sixth Legislature; and declaring an emergency."

By a vote of 53 ayes, 62 nays.

The House has passed the following bills:

S. B. No. 179, A bill to be entitled "An Act creating a special road law for Coke County, Texas; providing that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road and bridge fund as of the 28th day of February, 1941; setting forth the method of said funding or refunding; validating all acts of the commis-

sioners' court in issuing said scrip and time warrants; validating said scrip and time warrants; providing the General Laws of the State of Texas shall be applicable to Coke County when not in conflict herewith; providing this Act shall be cumulative of all general and special laws not in conflict herewith; providing a saving clause; and declaring an emergency."

S. B. No. 213, A bill to be entitled "An Act providing for compensation to be paid county commissioners for their services as ex-officio road commissioners; providing for reimbursement of county commissioners for the use by such commissioners of their personal automobiles in traveling in the discharge of their duties as ex-officio road commissioners; and limiting the application of this Act to counties regularly maintaining in excess of one thousand (1,000) miles of county maintained roads and having an assessed valuation, according to the approved tax rolls for the last preceding year, exceeding Thirty-five Million (\$35,000,000) Dollars; repealing all laws or parts of law in conflict herewith; and declaring an emergency."

S. B. No. 418, A bill to be entitled "An Act, regulating the taking of minnows in Bosque County; providing a penalty for violation of this Act; repealing conflicting laws; and declaring an emergency."

S. B. No. 422, A bill to be entitled "An Act providing for the taking of channel or opelousas catfish or any perch at any time by ordinary hook and line in the fresh waters of Bosque County, Texas; repealing all laws and parts of laws therewith to the extent of the conflict only; and declaring an emergency."

S. B. No. 89, A bill to be entitled "An Act amending S. B. No. 161 of the Forty-sixth Legislature, Acts 1939, Special Laws, page 723, so as to exempt certain independent school districts created under Chapter 5, Acts 1930, Forty-first Legislature, Fifth Called Session, from the provisions of Article 2763, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

S. B. No. 191, A bill to be entitled "An Act authorizing trustees of independent school districts to order an election to vote refunding bonds for the purpose of buying in bonds which have been previously issued without

option of prior redemption and prescribing the method of holding such election; providing that as a prerequisite to ordering such election said trustees shall first obtain an option to purchase said outstanding bonds from the owners, at a stipulated price; providing that in no case shall the price paid for such bonds exceed thirteen (13%) per cent above par value; providing that the qualified voters be fully informed through notices and publications as herein provided; providing that it must appear that such refunding will result in a money saving to the school district; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Bill 110 on Second Reading

On motion of Senator Ramsey and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 110 at this time.

The President (Senator Martin in the Chair) laid before the Senate on its second reading and passage to third reading:

H. B. No. 110, A bill to be entitled "An Act to create and dedicate a State Park in the County of Cherokee, two (2) miles Northeast of the Town of Rusk, to include the homestead of General Joseph L. Hogg, the birthplace of Governor James Stephen Hogg, such as now owned by the descendants of James Stephen Hogg and the Town of Rusk and such adjacent land as may be acquired by the State Parks Board by donation as a part of the park to be established, said park to be known as the Jim Hogg Memorial Park; providing for commissioners to serve without pay; and providing an appropriation; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 110 on Third Reading

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 110 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Beck	Martin
Brownlee	Mauritz
Chadick	Metcalfe
Cotten	Moffett
Fain	Ramsey
Formby	Smith
Graves	Stone
Hazlewood	Van Zandt
Hill	Vick
Isbell	Weinert
Lanning	Winfield
Lovelady	York

Nays—3

Aikin	Sulak
Lemens	

Absent

Moore	Shivers
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Absent—Excused

Kelley	Spears
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House Bill 288 on Second Reading

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 288 at this time.

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 288, A bill to be entitled "An Act to authorize the county

commissioners of any county having a county court at law to appoint an official interpreter for the county court at law in such county; to provide for the salary of such interpreter and to prescribe his duties and providing for the oath of such interpreter."

The bill was read second time.

Senator Winfield offered the following amendment to the bill:

Amend H. B. No. 288 by adding to the last line of the emergency clause the following words, "and this act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

The bill was passed to third reading.

House Bill 288 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 288 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill as amended was read third time and was passed by the following vote:

Yeas—29

Aikin	Cotten
Beck	Fain
Brownlee	Formby
Chadick	Graves

Hazlewood	Ramsey
Hill	Shivers
Isbell	Smith
Lanning	Stone
Lemens	Sulak
Lovelady	Van Zandt
Martin	Vick
Mauritz	Weinert
Metcalfe	Winfield
Moffett	York
Moore	

Absent—Excused

Kelley

Spears

House Bill 78 on Second Reading

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 78 at this time.

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 78, A bill to be entitled "An Act to provide for agreements between the commissioners' court of any county in this State, for and on behalf of the county and political subdivisions thereof, and the United States, relative to resettlement of rural rehabilitation projects, and providing for the payment by the United States to the county of sums in lieu of taxes; defining the duties of the county treasurer pertaining to such agreement and to the apportionment of payments from the United States thereunder; prescribing the method of determining the sums of money to be paid by the United States in lieu of taxes; providing for the depositing of moneys received from the United States and defining terms."

The bill was read second time and was passed to third reading.

House Bill 78 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 78 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Fain
Beck	Formby
Brownlee	Graves
Chadick	Hazlewood
Cotten	Hill

Isbell	Shivers
Lanning	Smith
Lemens	Stone
Lovelady	Sulak
Martin	Van Zandt
Mauritz	Vick
Metcalfe	Weinert
Moffett	Winfield
Moore	York
Ramsey	

Absent—Excused

Kelley

Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley

Spears

House Bill 405 on Passage to Third Reading

On motion of Senator Mauritz, and by unanimous consent, H. B. No. 405 was called from the table for further consideration at this time.

The Presiding Officer laid the bill before the Senate, on its passage to third reading; with the following (committee) amendment by Senator Brownlee pending:

Amend H. B. No. 405 by striking out the following language on page 1: "Or shall have been residents and freehold property taxpayers in any county in which the Lower Colorado River Authority may contract to furnish, or is now furnishing, hydroelectric power."

The amendment was adopted.

Senator Brownlee offered the following (committee) amendments to the bill:

(1)

Amend H. B. No. 405, Section 1, sub-section 3a by striking out said Section and substituting therefor the following:

"Section 3a. From and after the effective date of this Act every director appointed to the Board of the Lower Colorado River Authority shall be appointed with the advice and consent of two-thirds of the Senate."

(2)

Amend the caption to conform.

The amendments were adopted severally.

The bill was then passed to third reading.

House Bill 405 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 405 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President (Senator Martin in the Chair) then laid the bill before the Senate on its third reading and final passage.

The bill as amended, was read third time and was passed by the following vote:

Yeas—25

Aikin	Chadick
Beck	Cotten
Brownlee	Fain

Formby	Moore
Graves	Ramsey
Hill	Smith
Isbell	Stone
Lanning	Sulak
Lemens	Van Zandt
Martin	Vick
Mauritz	Winfield
Metcalf	York
Moffett	

Nays—3

Hazlewood	Weinert
Lovelady	

Absent

Shivers

Absent—Excused

Kelley Spears

House Bill 286 on Second Reading

On motion of Senator Chadick and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 286 at this time.

The President (Senator Martin in the Chair) laid before the Senate on its second reading and passage to third reading:

H. B. No. 286, A bill to be entitled "An Act to protect and preserve the political right and freedom, right and status of any and all persons employed, on/or to be on leave of absence, or in military service of the United States, by any person, firm, corporation or association of persons, by regulating in certain particulars the rights and relationships between such employers and employees with respect to political affairs, reinstatement and/or reemployment in former position with employer, defining the term 'Employer of Labor'; providing fines and penalties for the violation of this Act; and repealing all laws or parts of laws in conflict herewith, making a separability provision; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 286 on Third Reading

Senator Chadick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 286 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President (Senator Martin in the Chair) then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

House Bill 749 on Second Reading

On motion of Senator Stone, and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 749 at this time.

The President (Senator Martin in the Chair) laid before the Senate on its second reading and passage to third reading:

H. B. No. 749, A bill to be entitled "An Act to amend Section 1 of Article 4032a of the Penal Code of the State of Texas, the same being Chap-

ter 227, Section 1, page 381, Acts of the Forty-second Legislature, so as to provide means by which the soldiers stationed in Texas under the National Defense Act, and others may be permitted to enjoy fishing in salt water without the payment of non-resident fishing license and artificial lure license; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 749 on Third Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 749 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President (Senator Martin in the Chair) then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lemens
Beck	Lovelady
Brownlee	Martin
Chadick	Mauritz
Cotten	Metcalf
Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Smith
Isbell	Stone
Lanning	Sulak

Van Zandt Winfield
Vick York
Weinert

Absent—Excused

Kelley Spears

House Bill 855 on Second Reading

On motion of Senator Cotten and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 855 at this time.

The President (Senator Martin in the Chair) laid before the Senate on its second reading and passage to third reading:

H. B. No. 855, A bill to be entitled "An Act providing (1) an open season for quail in Henderson County from December 1 in one year to January 16 in the following year, both days inclusive; (2) that it shall be lawful to kill quail in Henderson County on Monday, Wednesday and Friday of each week, after the 1st day of December, 1941, and continuing until and including the 16th day of January, 1942, and during the same time each year thereafter on the same days of the week; that twelve (12) quail shall be the limit which any one person may kill in any one day during this period; (3) that quail may be hunted and killed in Henderson County only on Sundays and Wednesdays during the period from December 1 of one year to January 16th of the following year, both days inclusive; (4) that it shall be unlawful to take, kill, or attempt to take or kill any quail in Henderson County; providing that no Section of this Act shall be effective in Henderson County unless and until the qualified voters of the county, by a majority vote at an election held for such purposes, shall have voted therefor; providing that only one Section of this Act shall be submitted at any one time for ratification; providing the manner of calling and holding such election; providing for the posting of returns of such election, describing the length of time which must intervene before a second election may be held on the same matter; providing that the cost of such election shall be borne by the petitioners asking for such election; describing violations of this Act and prescribing penalties therefor; limiting the effect of this Act to Henderson County, and repealing all laws or

parts of laws in conflict herewith, insofar as they apply to Henderson County; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 855 on Third Reading

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 855 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

House Bill 371 on Second Reading

On motion of Senator York and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 371 at this time.

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 371, A bill to be entitled "An Act authorizing independent school districts and cities which have assumed the control public schools situated therein to build or purchase buildings and grounds located within or without the district or city, for the purpose of constructing gymnasias, stadia, or other recreational facilities, and to mortgage and encumber the same, and the income thereof, and to evidence the obligation therefor by the issuance of bonds to secure the payment of funds to purchase or construct or to purchase and construct the same; providing that the purchaser shall have a franchise to operate same in case of foreclosure; providing that no such obligation shall ever be a debt of any such school district or city; but solely a charge upon the property so encumbered; providing that no election for the issuance of such bonds shall be necessary; providing that such project shall be deemed self-liquidating in character; providing that the cost of maintaining and operating the project shall be a first charge against the revenues of the project; providing that such bonds shall be payable from the net revenues of the project, together with all future extensions or additions thereto, or replacements thereof; providing for the payment of said bonds; providing that the holder of said bonds shall never have the right to demand payment thereof out of any funds raised or to be raised by taxation; providing that said bonds shall be approved by the Attorney General and registered by the State Comptroller; providing that no bonds authorized shall be issued or executed after the expiration of two (2) years from the effective date of this Act; providing that no land upon which is situated school improvements shall be subject to the indebtedness created hereunder; validating acts heretofore performed by school districts; enacting provisions incident and relating to the subject and purpose of this Act; and

providing further for the issuance of revenue bonds by independent school districts and cities which have assumed the control of the public schools situated therein, for the purpose of building additions to existing gymnasias, stadia and other recreational facilities owned by the same, and purchasing additional buildings and grounds for the purpose of constructing additions to existing gymnasias, stadia and other recreational facilities; providing that any bonds issued shall be payable from the net revenues of the projects after payment of the operating and maintenance charges; and declaring an emergency."

The bill was read second time and was passed to third reading.

(President Pro Tempore Cotten in Chair.)

House Bill 371 on Third Reading

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 371 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Chadick
Beck	Cotten
Brownlee	Fain

Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Smith
Isbell	Stone
Lanning	Sulak
Lemens	Van Zandt
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalfe	York
Moffett	

Absent—Excused

Kelley

Spears

House Bill 205 on Second Reading

On motion of Senator Isbell and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 205 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 205, A bill to be entitled "An Act to amend Section 25, Section 31, Section 32 and Section 65 of H. B. No. 407, Chapter 4, page 602 of the Acts of the Forty-sixth Legislature, Regular Session (1939); defining 'department'; providing a method and manner of issuing receipts and certificates of title when a lien is disclosed thereon, adding subsection (a) under Section 32 as amended, limiting the use of duplicate copies of said receipts and certificates of title; providing for the transfer of the Certificate of Title Section of the Department of Public Safety of the State of Texas to the Highway Department of the State of Texas and designating the same as a division within said department, amending the repealing clause of said Act, and creating an emergency."

The bill was read second time and was passed to third reading.

House Bill 205 on Third Reading

Senator Isbell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 205 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Brownlee
Beck	Chadick

Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

Absent—Excused

Kelley

Spears

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley

Spears

House Bill 529 on Second Reading

On motion of Senator Lanning and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 529 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 529, A bill to be entitled "An Act fixing the salaries of county commissioners in counties of not less than twenty thousand, four hundred and forty-two (20,442), and not more than twenty thousand, four hundred and fifty (20,450) inhabitants; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 529 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 529 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

Senate Bill 417 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 417 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 417, A bill to be entitled "An Act to amend Article 637 of the Penal Code of Texas so that the same shall read as hereinafter stated, and providing for the destruction of gambling equipment and paraphernalia by order of the court and providing for the confiscation of property not gambling paraphernalia per se which is used as equipment or paraphernalia for a gambling house or which is used for gaming purposes, and providing for the delivery of such property to the State of Texas or any political subdivision thereof, or to any State institution for its own use and benefit, by order of the court, and providing that an officer by his return shall show compliance with order of the court; and providing for the confiscation of any money or coins seized with or in such gambling paraphernalia or property or equipment, or paraphernalia used for gaming purposes; and providing for delivery by order of the court of such money or coins to the State of Texas or any political subdivision thereof or to any State institution or the grand jury of the county in which such property was seized; and providing for the use of such coins or money by said grand jury, and providing for a report to the court as to money received and expended by the grand jury under provisions of this Act, and providing that the clerk of the district court shall between terms of the grand jury hold such surplus funds to be turned over to the subsequent grand jury; and providing for the confiscation, appropriation and use of any money or coins heretofore seized with or in such gambling paraphernalia, property or equipment, or paraphernalia used for gaming purposes, and providing that any person claiming any right, title, interest or claim in and to such coins or money heretofore seized with such gambling equipment and paraphernalia may, within sixty (60) days from the effective date of this Act file suit for the recovery of the same, and not thereafter; and providing that if any parts or provisions of this Act be held invalid or unconstitutional, the validity or constitutionality of any other provisions of the Act will not be affected; and repealing all other laws in conflict

with this Act; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 417 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 417 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

Committee Substitute House Bill 247 on Second Reading

On motion of Senator Fain and by unanimous consent, the regular order of business was suspended, to permit consideration of C. S. H. B. No. 247 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

C.S.H.B. No. 247, A bill to be entitled "An Act to amend Article 6078 of the Revised Civil Statutes of 1925, so as to fix the number and extent of county parks; and declaring an emergency."

The bill was read second time and was passed to third reading.

Committee Substitute House Bill 247 on Third Reading

Senator Fain moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 247 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Chadick
Beck	Cotten
Brownlee	Fain

Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Smith
Isbell	Stone
Lanning	Sulak
Lemens	Van Zandt
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalfe	York
Moffett	

Absent—Excused

Kelley Spears

Senate Bill 369 on Second Reading

On motion of Senator Graves and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 369 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 369, A bill to be entitled "An Act to amend Section 1 of Chapter 88, page 189, Special Laws, Forty-second Legislature, Regular Session, 1931, (Article 5138a, Revised Civil Statutes of Texas) to empower and authorize counties having a population of not less than three hundred and ninety thousand (390,000), and not more than five hundred thousand (500,000), according to the last preceding Federal Census, and containing a city having a population of not less than two hundred and ninety thousand (290,000) and not more than three hundred and fifty thousand (350,000), according to the last preceding Federal Census, jointly with such city to establish, own and operate a parental home and school for the training of dependent and delinquent youth resident of that county or city; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 369 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 369 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

House Bill 631 on Second Reading

On motion of Senator Moffett and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 631 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 631, A bill to be entitled "An Act amending Chapter 10, Special Laws, Forty-fourth Legislature, Regular Session, as amended in H. B.

No. 30, 'Title: Stock Laws,' Chapter 1, Acts of the Forty-sixth Legislature, Regular Session, making Clay County eligible to the provisions of this Act; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 631 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 631 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
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House Bill 434 on Second Reading

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 434 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 434, A bill to be entitled "An Act relating to marks and brands of livestock in Austin County only; amending Article 6899 of the Revised Civil Statutes of Texas, by adding thereto a new Section to be known as Article 6899f requiring that in said county each owner of any livestock mentioned in Chapter 1, of Title 121 of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand of such stock recorded at the office of the county clerk of said county; and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months from taking effect of this Act all records and marks and brands now in existence shall no longer have any force or effect and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks and brands in said county; and further providing that the county clerk of said county shall publish this Act in some newspaper in general circulation in the county for a period of thirty (30) days; and declaring an emergency."

The bill was read second time.

Senator Sulak offered the following amendment to the bill:

Amend H. B. No. 434 by striking out everything below the enacting clause and insert in lieu of the following:

"Section 1. This Act shall apply to Austin and Colorado Counties only. In said counties each owner of any livestock mentioned in Chapter 1 of Title 121, of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect have his mark and brand for such stock recorded in the office of the county clerk of his home county. Such owners shall so record such marks and brands whether the same have been heretofore recorded or not.

The owner shall have the right to have his mark and brand recorded in his name who according to the present records of his home county first recorded the same in the county, or in event it can not be ascertained from the records who first recorded same in the county, then the person who has been using such mark and brand the longest shall have the right to have the same recorded in his name. After the expiration of six (6) months from the taking effect of this Act all records of marks and brands now in existence in said counties shall no longer have any force or effect and after the expiration of six (6) months only the records made after this Act takes effect shall be examined or considered in recording marks and brands in said counties. Immediately upon the taking effect of this Act the county clerk of each of said counties shall have this Act published in some newspaper of general circulation in the county for a period of thirty (30) days, which publication shall be paid for by the county out of the General County Fund.

"Sec. 2. The fact that the present Marks and Brands Records in Austin and Colorado Counties are in a confused condition, and the further fact that a number of the old brands have not been used for many years and the further fact that a large number of persons of said county desire to record such brands, constitute an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and be it so enacted."

The amendment was adopted.

Senator Sulak offered the following amendment to the bill:

Amend H. B. No. 434 by changing the caption to conform with the body of the bill.

The amendment was adopted.

The bill was passed to third reading.

House Bill 434 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 434 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

House Bill 295 on Second Reading

On motion of Senator Graves and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 295 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 295, A bill to be entitled "An Act amending Section 19, sub-

section h, of S. B. No. 5, Acts of the Forty-fourth Legislature, Second Called Session, also known as sub-section h of Section 19 of Article 3912e, and all amendments to such Act, by adding thereto sub-section h-3 affecting the appointment and salaries of deputies in the offices of district clerks in all counties of two hundred and ninety thousand (290,000) inhabitants and over, and less than three hundred and ninety thousand (390,000) inhabitants, according to the last preceding Federal Census; providing for the method of such appointments and salaries in such counties by the filing of an application with the county judges of such counties; providing for the order of the commissioners' courts of such counties for the payment of said salaries of such deputies out of certain funds of such counties; providing for the oath to be taken by such deputies; providing for the method of discharge or removal of such deputies, and for the increase or decrease of the number of such deputies; providing for the repeal of all laws in conflict herewith; providing for a saving clause; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 295 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 295 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
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House Bill 489 on Second Reading

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 489 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 489, A bill to be entitled "An Act providing that in counties having a population of not less than thirty-one thousand, five hundred (31,500) and not more than thirty-two thousand (32,000), according to the last preceding Federal Census, the provisions of Article 6869, Revised Civil Statutes of Texas, of 1925, as amended, insofar as such limits the number of deputies allowable to sheriffs shall not apply, but the sheriff in any such county shall have the number of deputies allowed him by the commissioner's court of such county; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 489 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 489 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

House Concurrent Resolution 59

On motion of Senator Lemens and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 59 at this time.

The President Pro Tempore laid before the Senate for consideration at this time:

H. C. R. No. 59, Providing for a monthly allowance in the grants given to old age assistance recipients for

the specific purpose of paying for burial insurance policies.

The resolution was read and was adopted.

House Concurrent Resolution 68

On motion of Senator Isbell and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 68 at this time.

The President Pro Tempore laid before the Senate for consideration at this time:

H. C. R. No. 68, Granting Dr. J. R. Nichols and wife permission to sue the State.

Senator Isbell offered the following amendment to the resolution:

Amend H. C. R. No. 68 by adding thereto the following paragraph:

"However, it is to be understood that the purpose of this resolution is to grant permission to said Dr. J. R. Nichols and wife to bring suit against the State of Texas and against the Highway Department of the State of Texas, and no admission of liability of the State of Texas or the Highway Department of the State of Texas is made by this resolution, and the facts as set out herein must be proved in court."

The amendment was adopted.

The resolution (as amended) was adopted.

House Concurrent Resolution 67

On motion of Senator Isbell and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 67 at this time.

The President Pro Tempore laid before the Senate for consideration at this time:

H. C. R. No. 67, Granting J. L. Kelley and wife permission to sue the State.

The resolution was read.

Senator Isbell offered the following amendment to the resolution:

Amend H. C. R. No. 67 by adding thereto the following paragraph:

"However, it is to be understood that the purpose of this resolution is to grant permission to said J. L. Kelley and wife to bring suit against the State of Texas and against the Highway Department of the State of

Texas, and no admission of liability of the State of Texas or the Highway Department of the State of Texas is made by this resolution, and the facts as set out herein must be proved in court."

The amendment was adopted.

The resolution (as amended) was adopted.

House Bill 235 on Second Reading

On motion of Senator Hazlewood and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 235 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 235, A bill to be entitled "An Act amending Section 6 of S. B. No. 481, being Chapter 185 of the Acts of the Forty-second Legislature, Regular Session, page 311, (1931); appropriating examination fees provided for in said Act to special land board for the purpose of defraying all expenses incident to the enforcement of said Act; providing for the drawing of warrants by the Comptroller on requisition of the Commissioner of the General Land Office; transferring any sum remaining to the Permanent School Fund; providing that the amount accruing to the State of Texas for the sale of land under said Act shall be placed to the credit of the Permanent School Fund; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 235 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 235 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Isbell
Beck	Lanning
Brownlee	Lemens
Chadick	Lovelady
Cotten	Martin
Fain	Mauritz
Formby	Metcalf
Graves	Moffett
Hazlewood	Moore
Hill	Ramsey

Shivers	Vick
Smith	Weinert
Stone	Winfield
Sulak	York
Van Zandt	

Absent—Excused

Kelley	Spears
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
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House Bill 364 on Second Reading

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 364 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 364, A bill to be entitled "An Act amending Article 2700, Revised Civil Statutes, 1925, pertaining to the salaries of elective county superintendents and to office and traveling expense; providing for assistants to the county superintendent; providing for a rural school supervisor; providing for the manner of payment of county administration expense; providing for budgets for the purpose; providing for administering the Act and repealing all general and special laws in conflict herewith except such general laws as provide for a part of the office expense to be paid out of the general revenue of the county; and declaring an emergency."

The bill was read second time.

Senator Van Zandt offered the following (committee) amendments to the bill:

(1)

Amend the caption of the bill to read as follows:

"An Act amending Article 2700, Revised Civil Statutes, 1925, pertaining to the salaries of elective county superintendents and to office and traveling expense; providing for salaries of county superintendents in counties having not more than eight thousand (8,000) scholastic population under certain conditions; providing for assistants to the county superintendent; providing for rural supervisors and their compensation; providing for the manner of payment of county administration expense; providing for budgets for the purpose; providing for administering the Act and repealing all general laws in conflict herewith except such general laws as provide for a part of the office expense to be paid out of the general revenue of the county; and declaring an emergency."

(2)

Amend the bill by striking out all below the enacting clause and inserting the following:

Section 1. Salary of the County Superintendent. The elective county superintendents shall receive from the Available School Fund of their respective counties annual salaries based on the scholastic population of such counties as follows:

Population	Amount
3,000 or less	\$1,800.00
3,001 to 4,000	2,000.00
4,001 to 5,000	2,200.00
5,001 to 6,000	2,400.00
6,001 to 7,000	2,600.00
7,001 to 8,000	2,800.00
8,001 to 9,000	3,000.00
9,001 to 12,000	3,200.00
12,001 to 15,000	3,400.00
15,001 to 30,000	3,600.00
30,001 to 40,000	3,800.00
40,001 to 50,000	4,200.00
50,001 and over	4,800.00

Provided however, in counties having less than eight thousand (8,000) scholastics, where no supervisor is employed and where the total expense for office assistants does not exceed Eighteen Hundred (\$1,800.00) Dollars per annum the salary of the county superintendent may be set at a sum not to exceed Three Thousand (\$3,-

000.00) Dollars per annum by action of the county board of trustees.

In making the annual budget for the county administration expenses, the county school trustees shall make allowance out of the State Available School Fund for salary and expenses of the office of county superintendent and the same shall be determined by the resident scholastic population of the county. It shall be the duty of the county board of trustees to file the budget for county administration expense with the State Department of Education on or before September 1st of each scholastic year, the budget to be approved and certified to by the president of the county board of education and attested to by the county superintendent. The compensation herein provided for shall be paid monthly upon the order of the county school trustees; provided that the salary for the month of September shall not be paid until the county superintendent presents a receipt from the State Superintendent showing that he has made all reports required of him. The county board of trustees may make provision for the employment of competent assistants for the county superintendent and may make further provision as it deems necessary for office and traveling expenses for the county superintendent and any assistants that may be necessary; provided that expenditures for office and traveling expenses of the county superintendent shall not be less than Three Hundred (\$300.00) Dollars and not more than Eight Hundred (\$800.00) Dollars per annum, and said board is hereby authorized to fix the salary of such assistants and pay same out of the same fund from which the salary and expenses of the county superintendent are paid.

Sec. 2. The county superintendent of public instruction may, with the approval of the county board of education, employ one or more school supervisors to assist in planning, outlining, and supervising the work of the public free schools in the county which is under the supervision of the county superintendent of public instruction. Said supervisor or supervisors shall at all times work under the supervision and direction of the county superintendent of public instruction, as other assistants are required to do, and must have evidence of proficiency in rural school super-

vision and must be the holder of at least a Bachelor of Science Degree or higher. Such supervisor or supervisors may receive a salary of not to exceed Two Thousand (\$2,000.00) Dollars per annum, to be paid out of the same funds and in the same manner as that of the county superintendent of public instruction and other assistants.

Sec. 3. It shall be the duty of the State Superintendent to remit to the depository banks of each of the respective counties the amount of the State Available School Fund; provided in the budget of each county, remittance to be made in October and February of each scholastic year, in equal amount.

Sec. 4. The State Superintendent of Public Instruction is hereby authorized to issue and transmit to county officials all instructions necessary for the proper observance and administration of this Act.

Sec. 5. All general and special laws in conflict herewith are hereby repealed except such laws as provide for a part of the office expense to be paid out of the general revenue of the county.

Sec. 6. The fact that the county superintendents of public instruction in the counties to which this Act is made applicable have multiplied duties, teachers to supervise, and districts in sections which require such travel in the full performance of their duties, and the further fact that the salaries now paid said county superintendents are less than paid other county officials, and the further fact that attempts to remedy deficiencies in many counties has been by special law, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that bills be read on three several days, and the said rule is hereby suspended, and this Act shall take effect and be in force from and after September 1, 1941, and it is so enacted."

The amendments were adopted.

Senator Aikin offered the following amendment to the bill (as amended):

Amend substitute for H. B. No. 364 page 2, line 7, by adding the following after the word supervisors, "and visiting teachers."

The amendment was adopted.

Question—Shall the bill (as amended) be passed to third reading?

Senate Bill 215 on Second Reading

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 215 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 215, A bill to be entitled "An Act to amend Article 438 of the Penal Code of the State of Texas, 1925, so as to provide that the nepotism law shall not apply in cases where the person employed or working has been so engaged and actually serving at least two years prior to the election of any officer related to the person thus affected; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 215 by striking out the following words in Section 1: "or to the confirmation thereof."

The amendment was adopted.

Senator Moore offered the following amendment to the bill:

Amend Section 1 of S. B. No. 215, by inserting the word "immediately" before the word "prior."

The amendment was adopted.

On motion of Senator Hill and by unanimous consent, it was ordered that the caption be amended to conform to the body of the bill.

The bill was passed to third reading.

Senate Bill 215 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 215 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hill
Beck	Isbell
Brownlee	Lanning
Chadick	Lemens
Cotten	Lovelady
Fain	Martin
Formby	Mauritz
Graves	Metcalfe
Hazlewood	Moffett

Moore	Van Zandt
Ramsey	Vick
Shivers	Weinert
Smith	Winfield
Stone	York
Sulak	

Absent—Excused

Kelley	Spears
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
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Message from the House

A Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 289, A bill to be entitled "An Act to amend Article 4477 of the Revised Civil Statutes of Texas, Rule 82, Sanitary Code, regulating the shipment of dead bodies not by express, and providing that such shipment may be made unaccompanied by a person in charge, provided two passenger tickets of the first class marked 'corpse' for the transportation of said body with a transit permit showing physician's or coroner's certificate shall be presented to the rail-

road company; name of deceased, hour of death, date of death; age, cause of death and if of a contagious disease the names of those authorized by the health authorities to accompany the body, regulating the issuance of the transit permits; declaring an emergency."

The House requests the Senate to return S. B. 65 for further consideration.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Bill 398 on Second Reading

On motion of Senator Mauritz and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 398 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 398, A bill to be entitled "An Act to amend Article 1107, Title 28, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Act of the Forty-second Legislature, Chapter 250, page 417, adding Section 6, providing that a city or town shall have the right of eminent domain to condemn private property for the purpose of digging or drilling thereon water wells or producing water therefrom or constructing pump stations or reservoirs; and providing that if any portion of the Act be declared unconstitutional or invalid, the remainder shall not be affected thereby and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 398 on Third Reading

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 398 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Formby
Beck	Graves
Brownlee	Hazlewood
Chadick	Hill
Cotten	Isbell
Fain	Lanning

Lemens	Smith
Lovelady	Stone
Martin	Sulak
Mauritz	Van Zandt
Metcalfe	Vick
Moffett	Weinert
Moore	Winfield
Ramsey	York
Shivers	

Absent—Excused

Kelley	Spears
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
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House Bill 804 on Second Reading

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 804 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 804, A bill to be entitled "An Act providing for issuing refunding bonds where the original bonds are now owned by two or more school entities, including common school districts, independent school districts, and cities which have assumed control of their schools or which constitute independent school districts."

The bill was read second time.

Senator Van Zandt offered the following (committee) amendment to the bill:

Amend H. B. No. 804 by Isaacks and Bridgers by striking out the word "forty" and figure "40" where same appear on the second page thereof and inserting in lieu thereof the word "thirty" and the figure "30".

The amendment was adopted.

The bill was passed to third reading.

House Bill 804 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 804 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Metcalfe
Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Lanning	Van Zandt
Lemens	Vick

Weinert York
Winfield

Absent—Excused

Kelley Spears

House Bill 80 on Second Reading

On motion of Senator Graves and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 80 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 80. A bill to be entitled "An Act providing for the employment in all counties having a population of not less than three hundred and twenty thousand (320,000) nor more than three hundred and fifty thousand (350,000), according to the last preceding Federal Census, of two (2) rural school supervisors; prescribing the qualifications and duties of said supervisors and defining their powers; providing the compensation to be paid to such supervisors and the method of paying same; providing the County Board of School Trustees shall have the power to discontinue the office of such supervisors whenever advisable; providing that in compliance with this Act in any of the counties affected hereby shall exempt the county superintendent from holding a Teachers Institute, and shall exempt the teachers from attending Teachers Institute, as now required by Article 2691, Revised Civil Statutes, of Texas, 1925, as amended; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 80 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 80 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Fain
Beck	Formby
Brownlee	Graves
Chadick	Hazlewood
Cotten	Hill

Isbell	Shivers
Lanning	Smith
Lemens	Stone
Lovelady	Sulak
Martin	Van Zandt
Mauritz	Vick
Metcalfe	Weinert
Moffett	Winfield
Moore	York
Ramsey	

Absent—Excused

Kelley Spears

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

Committee Substitute Senate Bill 119 on Second Reading

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 119 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. No. 119, A bill to be entitled "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended by Acts 1927, Fortieth Legislature, First Called Session, page 104, Chapter 35, Section 1; as amended by Acts 1929, Forty-first Legislature, First Called Session, page 62, Chapter 28, Section 1; as amended by Acts 1931, Forty-second Legislature, Second Called Session, page 29, Chapter 15, Section 1; as amended by Acts

1937, Forty-fifth Legislature, First Called Session, page 1826, Chapter 45, Section 3; as amended by Acts 1939, Forty-sixth Legislature, Special Laws, page 595, Section 1; and amending Article 1646 of the Revised Civil Statutes of Texas, 1925, as amended by Acts 1929, Forty-first Legislature, page 687, Chapter 308, Section 1; providing for the appointment of county auditors in certain counties; providing salaries for such county auditors within maximum and minimum limitations, and the method of fixing and payment of same; providing order fixing salary to be recorded in the minutes of the district court of the county and to be certified to commissioners' court for recording in its minutes; providing for the repeal of all laws or parts of laws in conflict herewith with certain exceptions; providing for a saving clause in the event any portion of this Act shall be held unconstitutional; and declaring an emergency."

The bill was read second time.

(Senator Hill in the Chair.)

Senator Aikin offered the following amendment to the bill:

Amend C. S. S. B. No. 119, page 1, by adding the following at the end of Section 1:

"Provided, however, any increase in salary shall be only with the approval of the commissioners' court."

The amendment was adopted.

Senator Fain offered the following amendment to the bill:

Amend C. S. S. B. No. 119, by adding after the word "courts," in line 20, page 2, of the printed copy, the following: "or out of any constitutional funds of the courts."

Question—Shall the amendment be adopted?

(President Pro Tempore Cotten in the Chair.)

Motion to Set Senate Bill No. 8 as a Special Order

Senator Chadick moved that S. B. No. 8 be set as a special order for Monday, April 21, 1941, immediately after the morning call.

Senator Moffett raised the point of order that the period for routine motions had passed, and, therefore,

this motion was out of order at this time.

The President Pro Tempore overruled the point of order.

Question—Shall the motion to set the bill as a special order prevail?

House Bill 593 on Second Reading

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 593 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 593, A bill to be entitled "An Act providing for the appointment by the District Judge of the Sixteenth Judicial District of Texas, composed of the counties of Cooke and Denton, or the Judge of the Judicial District of which the counties of Cooke and Denton are a part thereof, of an official shorthand reporter for such district; providing his qualifications; providing that the salary of said official shorthand reporter shall be fixed and determined by the judge of said district and not otherwise; providing for the manner of payment of said salary and out of what fund; providing for transcript fees and allowance for expenses as provided in Chapter 56, H. B. No. 276, Acts Regular Session of the Forty-first Legislature, 1929, which allowances, as now provided by law being fixed and established as a part of this Act; and declaring an emergency."

The bill was read second time.

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 593 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. The Judge of the Sixteenth Judicial District of Texas, composed of the counties of Cooke and Denton, or the Judge of the Judicial District of which the Counties of Cooke and Denton are a part thereof, shall appoint an official shorthand reporter for such district in the manner now provided for district courts in this State; who shall have the same qualifications and whose duties shall in every respect be the

same as now provided by law. Said official shorthand reporter shall receive a salary of not less than Three Thousand (\$3,000.00) Dollars, per annum, nor more than Three Thousand Three Hundred (\$3,300.00) Dollars, per annum, said salary to be fixed and determined by the District Judge of the Sixteenth Judicial District composed of the Counties of Cooke and Denton, or by the District Judge of which the Counties of Cooke and Denton are a part thereof, and said salary shall be in addition to the transcript fees of fifteen (15c) cents, per one hundred words for the Q. and A. record and twenty (20c) cents, per one hundred words for a narrative statement of facts, and said reporter shall, in addition, receive allowances for expenses as now provided by Chapter 56, H. B. No. 276, Acts Regular Session of the Forty-first Legislature, 1929, which allowances, as now provided by law, are fixed and established as a part of this Act. Said salary when so fixed and determined by the District Judge of said Judicial District shall be paid monthly, out of the general funds or the jury funds of the counties in the discretion of the commissioners' courts, by the respective counties of the Judicial District in accordance with the proportion fixed, made and determined by the District Judge of said Judicial District as to the amount to be paid monthly by each county in the Judicial District.

Sec. 2. From and after the passage of this Act all provisions relating to official shorthand reporters and their duties in district courts shall in all respects govern except that the salary of the official shorthand reporter as provided for in this Act shall be fixed and determined by the District Judge of said Judicial District and not otherwise; and the transcript fees and allowances for expenses shall be as provided for in this Act, and not otherwise. The provisions of this Act being declared and enacted as a special act by the Legislature, notices thereof having been duly published and exhibited as required by law.

Sec. 3. The fact that a District Judge of a Judicial District is in a better position to determine the efficiency of an official shorthand reporter, and to determine the compensation he should receive in accordance with the amount of work

performed, creates an emergency and imperative public necessity requiring the suspension of the constitutional rule for the reading of bills on three several days in each House, and said rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

The amendment was adopted.

The bill was passed to third reading.

House Bill 593 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 593 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Metcalf
Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Lanning	Van Zandt
Lemens	Vick

Weinert
Winfield

York

Absent—Excused

Kelley

Spears

Adjournment

Senator Lemens moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 6:15 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

FIFTY-SIXTH DAY

(Friday, April 18, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

A quorum was announced present.

At the request of the President, the Senate rose and stood in silent prayer, the Chaplain not being present to offer the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Reports of Standing Committees

Senator Ramsey submitted the following reports:

Committee Room,
Austin, Texas,
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, the Committee on Counties and County Boundaries, to whom was referred

H. B. No. 869, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than twenty thousand and fifty (20,050) and not more than twenty thousand, one hundred and fifty (20,150) according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling in connection with the use of his automobile on official business; requiring each such commissioner to pay the expense of operation and repair of such automobile so used by him without further expense to the county; and declaring an emergency."

Have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Committee Room,
Austin, Texas,
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, the Committee on Counties and County Boundaries, to whom was referred

H. B. No. 868, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than twenty-seven thousand and fifty-nine (27,059) and not more than twenty-seven thousand, one hundred and fifty (27,150), according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling; providing for the purchase of automobiles by the county for the use of the county commissioners on official business; providing for the method of purchase; and declaring an emergency."

Have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.